

Chapter 1701. Introductory Provisions

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Sec. 1701-1. Legal Provisions

1701-1.1. Establishment

Title XVII of the Cincinnati Municipal Code is established under the authority vested in the City of Cincinnati by Section 3 of Article XVIII, Ohio Constitution, and Articles I, II, and VII of the Charter of the City of Cincinnati. This Title XVII of the Cincinnati Municipal Code shall be known as the "Land Development Code" or "LDC."

1701-1.2. Purposes

The Land Development Code is adopted to:

- A. Provide a guide for the physical development of the city.
- B. Preserve the character and quality of residential neighborhoods.
- C. Foster convenient, harmonious and workable relationships among land uses.
- D. Achieve the arrangement of land uses described in the comprehensive plan for the development of the City as may have been adopted by Council.
- E. Promote the economic stability of existing land uses and protect them from intrusions by inharmonious or harmful land uses.
- F. Provide opportunities for economic development and new housing for all segments of the community.
- G. Create pedestrian-friendly environments to reduce reliance on the automobile for travel.
- H. Prevent excessive population densities and overcrowding of land or buildings.
- I. Ensure the provision of adequate open space for light, air and fire safety.
- J. Ensure that development is compatible with the environment, particularly on the hillsides and along the riverfront.
- K. Promote the conservation, protection, restoration and enhancement of the historic resources of the city.

- L. Lessen congestion in the public streets by providing for off-street parking and loading areas for commercial vehicles.
- M. Provide effective signage that is compatible with the surrounding urban environment.
- N. Set standards by which a nonconforming use may continue to function and to provide for the adaptive reuse of nonconforming buildings.
- O. Define the powers and duties of the administrative officers, hearing officers and the Zoning Board of Appeals.
- P. Provide penalties for violations of the provisions of the Land Development Code.

1701-1.3. Applicability

All development must comply with the standards, criteria and procedures of the Land Development Code. Development may not be undertaken without prior authorization pursuant to the Land Development Code

A. Applicability to Property

The Land Development Code applies to all land within the City of Cincinnati, including land owned by the City of Cincinnati and other local, state, or federal agencies to the extent ~~allowed~~ permitted by law. Application of regulations to specific lots is governed by the zoning map.

B. Compliance with Regulations

Land may not be used, and structures may not be constructed, occupied, enlarged, altered, demolished or moved, except in accord with the provisions of the Land Development Code.

C. Public Nuisance

Neither the provisions of this Chapter or the approval of any permit authorized by the Land Development Code authorizes the maintenance of any public nuisance.

D. Conflict with Other Regulations

Where conflict occurs between the provisions of the Land Development Code and any other City code, chapter, resolution, guideline or regulation, the more restrictive provision controls, unless otherwise specified in this Chapter.

E. Extension of Time for Holidays and Weekends

If a deadline falls on a weekend or holiday, the time for performing an act is extended to the next working day.

1701-1.4. Zoning Designation System

Land use and development regulations applicable to specific sites are shown on the Zoning Map by zoning designations consisting of classes of letter designators:

A. Land Use Regulations Designator

This designator indicates the principal land uses permitted or conditionally permitted in each district and is a component of all zoning designations, for example, SF Single-family Residential District, RM Residential Multi-family District or CN Commercial Neighborhood District.

B. Single-Family Density Designator

This designator indicates a subdistrict with a specific range of dwelling unit densities as a component of certain residential zoning designations, for example, SF-20 Single-family Residential District is the lowest density range, which requires 20,000 square feet for every dwelling unit.

C. Subarea Designation

Within the DD Downtown Development District, subdistricts are designated by letters (A, B, C or D) following the zoning district designation.

D. Special Review District Designators

These designators are included in a zoning designation if the provisions of one or more districts are applicable to a site or area. For example, HS indicates that the property is within a Hillside District.

1701-1.5. Interpretation

The provisions of the Land Development Code are the minimum requirements necessary to promote the public health, safety, convenience, comfort, prosperity, and general welfare. Where the Land Development Code imposes a greater restriction on the use of buildings or premises or on the heights of buildings, or requires larger setbacks, lot area for every dwelling unit, or other open spaces, or requires more parking and loading space or is in any way more restrictive than other provisions of law or ordinance, the provisions of the Land Development Code control.

Sec. 1701-2. Establishment of Zoning Districts

For the purposes of the Land Development Code, the City of Cincinnati is divided into zoning districts. These zoning districts are intended to:

1701-2.1. General Provisions

A. Location and Use

Regulate and restrict the location and use of buildings and land for residence, commerce and trade, industry, transportation, communications and utilities and other purposes.

B. Dimensions

To regulate and restrict the height and size of buildings and structures hereafter erected or structurally altered, the size of yards, setbacks, other open spaces and the density of population.

C. Standards

To establish site development and design standards, subdivision standards and requirements for adequate public facilities and services.

1701-2.2. Base Districts

Sec. 1703-1. Single-Family Districts

Single-Family (SF-20)

Single-Family (SF-10)

Single-Family (SF-6)

Single-Family (SF-4)

Single-Family (SF-2)

Sec. 1703-2. Multi-Family Districts

Multi-Family-Low (RM-L)

Multi-Family-Medium (RM-M)

Multi-Family-High (RM-H)

Sec. 1703-3. Mixed Use and Commercial Districts

Residential Mixed Use (RX)

Neighborhood Mixed Use (NX)

Commercial Mixed Use (CX)

Commercial ~~Auto-oriented~~ (CA)

Sec. 1703-4. Industrial Districts

Industrial Mixed Use (IX)

Industrial Agriculture (IA)

Industrial Heavy (IH)

Sec. 1703-5. Riverfront Districts

Riverfront Residential/Recreational (RF-R)

Riverfront Commercial (RF-C)

Riverfront Manufacturing (RF-M)

Sec. 1703-6. Parks and Institutional Districts

Parks and Recreation (PR)

Institutional-Residential (IR)

Sec. 1703-7. Downtown Districts

Downtown Core (DD-A)

Downtown Residential (DD-B)

Downtown Support (DD-C)

Downtown Riverfront (DD-D)

Sec. 1703-8. Planned Development Districts

Planned Development (PD)

1701-2.3. Special Review Districts

For the purposes of the Land Development Code, special review districts may be applied to the zoning districts established in Sec. 1701-2.2.

~~Sec. 1705-1. Historic Landmarks and Districts~~

Sec. 1707-1. Historic Preservation Overlay District

Historic Landmarks (HL)

Historic Districts (HD)

~~Sec. 1705-2. Hillside Districts~~

Sec. 1707-2. Hillside Overlay District

Hillside Overlay (HS)

~~Sec. 1705-3. Stream Corridor Districts~~

Sec. 1707-3. Stream Corridor Setbacks Overlay District

Stream Corridor Overlay (SC)

~~Sec. 1705-4. Urban Design Districts~~

Sec. 1707-4. Urban Design Overlay District

Urban Design (UD)

~~Sec. 1705-5. Interim Development Control Districts~~

Sec. 1707-5. Interim Development Control Overlay District

Interim Development Control (IDC)

- P.** Industrial Mixed Use (IX)
- Q.** ~~Commercial Auto-oriented~~ (CA)
- R.** Riverfront Commercial (RF-C)
- S.** Riverfront Manufacturing (RF-M)
- T.** Industrial Heavy (IH)

1701-2.4. District Hierarchy

The term "more restrictive" district applies to any district in the sequence below that precedes any other district and the term "less restrictive" applies to any district that succeeds any other district below.

- A.** Single-family (SF-20)
- B.** Single-family (SF-10)
- C.** Single-family (SF-6)
- D.** Single-family (SF-4)
- E.** Single-family (SF-2)
- F.** Industrial Agriculture (IA)
- G.** Multi-Family-Low (RM-L)
- H.** Multi-Family-Medium (RM-M)
- I.** Multi-Family-High (RM-H)
- J.** Riverfront Residential/Recreational (RF-R)
- K.** Residential Mixed Use (RX)
- L.** Institutional-Residential (IR)
- M.** Neighborhood Mixed Use (NX)
- N.** Downtown Development (DD)
- O.** Commercial Mixed Use (CX)

Sec. 1701-3. Zoning Map

Zoning district boundaries are established as shown on the Zoning Map that accompanies and is a part of the Land Development Code.

1701-3.1. Unconstitutionality

- A. If a court declares, by a judgment or decree that is final and further appeal is no longer available, that the zoning of property is unconstitutional or otherwise invalid, the property affected is thereupon subject to the restrictions applicable to the next less restrictive district. Provided however, if the court, in such judgment or decree, declares that the property may be used for a particular use or uses because the City has no right to prohibit such use or uses on the property, then the property shall be subject to the restrictions applicable to the most restrictive district in which the particular use or uses declared proper by the court are permitted.
- B. The zoning restrictions made applicable to property pursuant to this section remain in effect for a period not to exceed 120 days after the judgment or decree declaring the prior zoning unconstitutional or invalid becomes final.
- C. The purpose of this section is to prevent property from being unzoned from the time the zoning thereof is held unconstitutional or invalid until rezoned by Council.

1701-3.2. Interpretation of District Boundaries

Where uncertainty exists regarding the boundary of a zoning district, the following rules apply:

A. Property Lines

District boundaries shown as approximately following the property line of a lot are construed to follow such property line.

B. Scale

On unsubdivided land or where a district boundary divides a lot, the location of the district boundary is determined by using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions printed on the map.

C. Boundary Lines

District boundaries shown as approximately following right-of-way lines of freeways, streets, railroads, streams, corporations or other identifiable boundary lines are construed to follow such right-of-way or boundary lines.

D. Centerlines

District boundaries shown as lying within right-of-way lines of freeways, streets, railroads, streams, corporations or other identifiable boundary lines are construed to follow the centerline of such right-of-way or boundary lines.

E. Uncertainty

If any uncertainty remains as to the location of a district boundary or other feature shown on the zoning map, the Director has the duty to determine the location.

F. Records

The Director has the duty to keep a record of interpretations made pursuant to this section and keep them available to the public.

1701-3.3. Lots Divided by District Boundaries

Where a district boundary divides a lot in single ownership and of record prior to and continuously since the time the district boundary line was established, the use authorized on and the district requirements of the least restricted portion of the lot are construed as extending to the entire lot; provided that the extension may not include any part of the lot that is more than 25 feet from that district boundary.